

THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

\* \* \* \* \*

UNITED STATES OF AMERICA \* NO. 12-CR-272-SS  
\*  
VS. \* Houston, Texas  
\*  
CLAY JARRAD KIRKLAND (15) \*  
JAMIE GRANT LOVEALL (17) \* 10:18 a.m. - 10:28 a.m.  
RONALD LEE PRINCE (25) \* November 16, 2012

\* \* \* \* \*

**INITIAL APPEARANCE**

BEFORE THE HONORABLE FRANCES H. STACY  
UNITED STATES MAGISTRATE JUDGE

\* \* \* \* \*

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**General Order 94-15, United States  
District Court, Southern District of Texas**

Proceedings recorded by electronic sound recording  
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1 **APPEARANCES:**

2 For the United States:

3 MR. DAVID N. KARPEL  
4 **U.S. Department of Justice**  
5 Criminal Division, Gang Unit  
950 Pennsylvania Avenue NW  
Washington, D.C. 20530

6 For Defendant, Clay Jarrad Kirkland:

7 MR. BRETT A. PODOLSKY  
8 **Attorney at Law**  
917 Franklin, Suite 510  
Houston, Texas 77002

9 For Defendant, Jamie Grant Loveall:

10 MS. KIMBRA K. OGG  
11 **The Ogg Law Firm**  
12 3215 Mercer, Suite 100  
Houston, Texas 77027

13 For Defendant, Ronald Lee Prince:

14 MR. R. ERIC REED  
15 **Reed Law Firm**  
16 402 Main, Suite 3 South  
Houston, Texas 77002

17 Case Manager:

18 BEVERLY WHITE

19 Electronic Recorder:

20 BRENT LASWELL

21

22

23

24

25

## PROCEEDINGS

10:18 A.M. - NOVEMBER 16, 2012

7                   All right. If you don't mind standing in  
8 the order that I called your name. So that Mr. Kirkland  
9 is on my left, your right; and in the middle,  
10 Mr. Loveall; and on the right -- my right, your left,  
11 Mr. Prince.

12 And who's present for the United States?

13 MR. KARPEL: Good morning, Your Honor. David  
14 Karpel for the United States.

15                   THE COURT: All right. The purpose of this  
16 proceeding is to advise you about the charges against  
17 you, to advise you about your rights, to consider the  
18 question of counsel, and to consider your conditions of  
19 release. You're not required to enter any plea to the  
20 charges until after you have a chance to discuss the  
21 case with your lawyer.

22 And also, you have the right to remain  
23 silent and not make any statement about the facts of  
24 this case. You're not required to make any explanation  
25 about this case or present evidence or testify or gather

1       witnesses. You're not required to talk to law  
2 enforcement officials.

3                   You may speak to your lawyer privately  
4 about the case and your lawyer cannot be required to  
5 reveal anything that you discuss with your lawyer, but  
6 other people that you talk to about the case can be made  
7 witnesses against you. And that includes your  
8 co-defendants, even each other. So, really, it's in  
9 your best interest to only communicate with your lawyer  
10 and allow your lawyer to present the facts in the light  
11 most favorable to you. All right?

12                  That's your rights, and you're entitled to  
13 a lawyer, whether you can hire one or not, and you're  
14 entitled to an attorney on appeal also.

15                  It looks like each of you has filled out a  
16 financial affidavit. You signed the form at the bottom  
17 of the page. Will you please raise your right hand and  
18 swear to the facts in the affidavit.

19                  CASE MANAGER: Do each of acknowledge that the  
20 information in the Financial Affidavit is true and  
21 correct to the best of your knowledge and belief, so  
22 help you God?

23                  DEFENDANT KIRKLAND: Yes.

24                  DEFENDANT LOVEALL: Yes.

25                  DEFENDANT PRINCE: Yes.

1                   THE COURT: Okay. I find that each of you is  
2 eligible for a court appointed counsel.

3                   And for Mr. -- Mr. Podolsky, will you  
4 represent Mr. Kirkland?

5                   MR. PODOLSKY: Yes, Your Honor.

6                   THE COURT: Ms. Ogg, will you represent  
7 Mr. Loveall?

8                   MS. OGG: Yes, Your Honor.

9                   THE COURT: And Mr. Reed, will you please  
10 represent Mr. Prince?

11                  MR. REED: Yes, Your Honor.

12                  THE COURT: Thank you.

13                  All right, so you've got attorneys to  
14 represent you and these lawyers will be loyal only to  
15 you in your case, all right?

16                  Does the Government move to detain each of  
17 the defendants?

18                  MR. KARPEL: We do, Your Honor.

19                  THE COURT: There's a motion for detention and  
20 I would like to have a separate bail hearing for these  
21 three defendants. I can -- is it okay if I set it with  
22 when I have set for Tuesday at 10:00? Who's in that  
23 case? Mr. Sharron and Mr. -- who was the other one?

24                  UNIDENTIFIED MALE VOICE: Millican.

25                  THE COURT: Millican. Would they be like

1 compatible or not?

2 MR. KARPEL: Who is the second? Mr. Sharron,  
3 and who's the other one?

4 THE COURT: Milligan.

5 MR. KARPEL: We should be fine.

6 THE COURT: All right. So this hearing will be  
7 set -- the bail hearing and the arraignment will be set  
8 for, I'm going to say Tuesday at 10:00. Can you be  
9 ready for that?

10 MR. REED: Your Honor, any chance --

11 THE COURT: Or sooner?

12 MR. REED: I think I can do it -- any chance I  
13 can do it Monday?

14 THE COURT: Yeah, we could do it Monday. Is  
15 that available for all of you, Monday?

16 MS. OGG: May I check?

17 MR. PODOLSKY: May I check also?

18 THE COURT: Yes. I would like to do it at 9:00  
19 rather than 10:00 on Monday.

20 MR. PODOLSKY: I can be there Monday at 9:00.

21 THE COURT: Is your witness available for the  
22 United States?

23 MR. KARPEL: He'll be there.

24 THE COURT: Ms. Ogg?

25 MS. OGG: I'm sorry, Judge.

1                   THE COURT: It's all right.

2                   MS. OGG: I'm preparing for a trial next week.

3                   THE COURT: We want to make sure you're  
4 available.

5                   MS. OGG: Yes, ma'am.

6                   THE COURT: You're preparing for a trial. Are  
7 you in trial on Monday?

8                   MS. OGG: I'm in trial the following Monday --

9                   THE COURT: Okay.

10                  MS. OGG: -- before Judge Atlas.

11                  THE COURT: Best be prepared.

12                  MS. OGG: And I am before her on -- I am before  
13 her on Wednesday morning. We're doing a -- you said  
14 Tuesday morning?

15                  THE COURT: Monday morning at 9:00.

16                  MS. OGG: Yes, ma'am, I'm available.

17                  THE COURT: All right. I'll set all three of  
18 you for your opportunity to enter a not guilty plea to  
19 the charges on Monday at 9:00. And also, then you'll  
20 have a seat at the counsel table and talk to your lawyer  
21 about, you know, your bail hearing and we'll conduct a  
22 bail hearing at 9:00 on Monday. So that's -- you'll be  
23 temporarily detained until that time. Monday is the --

24                  CASE MANAGER: The 19th.

25                  THE COURT: -- 19th.

1                   Now I'm going to review the accusations  
2 against you. Each of you will receive a copy of the  
3 Indictment, and your lawyers also get a copy of the  
4 Indictment.

5                   And Mr. Kirkland?

6                   MR. KARPEL: He's charged in Count One, Judge.

7                   THE COURT: Is charged in Count One.

8                   Thank you for helping me.

9                   Mr. Loveall?

10                  MR. KARPEL: He's charged in Counts One, Two,  
11 Three, Four, Five, and Six.

12                  THE COURT: How about Mr. Prince?

13                  MR. KARPEL: Mr. Prince is charged in Counts  
14 One and Fifteen.

15                  THE COURT: Can you summarize the accusations?

16                  MR. KARPEL: Certainly. With respect to  
17 Mr. Kirkland, he is charged in Count One, which is  
18 Conspiracy to Participate in a Racketeering Enterprise --

19                  THE COURT: Hold on. We all want to take turns  
20 talking, so I think it's important that you are paying  
21 attention to the Government's summary of the  
22 accusations.

23                  Start over, please.

24                  MR. KARPEL: Certainly. Mr. Kirkland is  
25 charged in Count One, which is Conspiracy to Participate

1 in a Racketeering Enterprise. The maximum penalty is up  
2 to life imprisonment and/or a \$250,000 fine --

3 THE COURT: Mr. Loveall and Mr. Prince are also  
4 accused in that count?

5 MR. KARPEL: They are.

6 THE COURT: All right.

7 MR. KARPEL: -- up to a \$250,000 fine, followed  
8 by up to three years supervised release and a hundred  
9 dollar special assessment.

10 With respect to Mr. Loveall and  
11 Mr. Prince, as you know, they are both charged in Count  
12 One.

13 Mr. Loveall is also charged in Count Two.  
14 Count Two is Conspiracy to Possess with Intent to  
15 Distribute Methamphetamine and Cocaine. The penalty max  
16 is not less than 10 years imprisonment, not more than  
17 life imprisonment, and/or a fine of up to \$110,000,  
18 followed up to five years supervised release and a  
19 hundred dollar special assessment.

20 Count Four -- I'm sorry, Count Three is  
21 the Murder, the ... Murder of Aaron Wade Otto. The  
22 maximum penalty is death or life imprisonment and up to  
23 a \$250,000 fine, followed by up to five years supervised  
24 release and a hundred dollar special assessment.

25 Count Four is the Brandishing of a Weapon,

1 924 (j) count. Maximum penalty is up to life.

2 Count Five is the ... Murder of Robert  
3 Allen Branch. The maximum penalty is death or life  
4 imprisonment and up to \$250,000 followed by five years  
5 supervised release and a hundred dollar special  
6 assessment.

7 And Count Six is the sentence enhancer,  
8 which is also the 924(j), which is Using or Carrying a  
9 Firearm to Commit a Crime of Violence. It also carries  
10 up to life imprisonment.

11 THE COURT: Okay.

12 MR. KARPEL: With respect to Mr. Prince, as  
13 noted, he's also charged in Count One and he's also  
14 charged in Count Fifteen, which is the Kidnapping of  
15 Joseph Wright. The maximum penalty is not more than  
16 life imprisonment and/or up to \$250,000 fine, followed  
17 by up to five years supervised release and a hundred  
18 dollar special assessment.

19 THE COURT: Okay. And you'll have a chance to  
20 talk to your lawyers about these accusations in more  
21 detail. So you're going to be temporarily detained  
22 while you await your bail hearing.

23 And will they all be at Joe Corley?

24 DEPUTY MARSHAL: The two in the orange will,  
25 ma'am. I'm not sure where they're all going to be at.

1                   THE COURT: Where Mr. Loveall is going to be,  
2 you don't know?

3                   DEPUTY MARSHAL: I'm not sure, Your Honor.

4                   THE COURT: Okay.

5                   MS. OGG: Would it be in the downtown detention  
6 center, by any chance?

7                   THE COURT: We want his lawyer to know where  
8 she can reach him.

9                   DEPUTY MARSHAL: Yeah, if you can give me a  
10 business card, I'll let you know later on today.

11                  THE COURT: All right.

12                  MS. OGG: Sure.

13                  It's unclear.

14                  THE COURT: What?

15                  MS. OGG: It's unclear.

16                  THE COURT: Okay. We'll let you know today,  
17 and the Marshals will tell your lawyer where she can  
18 meet with you. All right. So even though you'll be in  
19 custody while you await your hearing, you will still  
20 have to counsel privately with your lawyers to prepare  
21 for the hearing. All right?

22                  This hearing is adjourned for now.

23                  **[10:28 a.m. - Proceedings adjourned]**

24

25

C E R T I F I C A T I O N

I certify that the foregoing is a correct transcript of the electronic sound recording of the proceedings in the above-entitled matter.

/s/ Gwen Reed

3-4-13